

HOUSE No. 2076

By Mr. Fagan of Taunton, petition of James H. Fagan for legislation to further regulate the use of generic crash parts, so-called in the repair of motor vehicles. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROVIDING ADDITIONAL CONSUMER PROTECTIONS IN THE REPAIR OF DAMAGED MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 90 of the General Laws, as appearing in the 2002 Offi-
2 cial Edition, is hereby amended by striking out section 34R and
3 inserting in place thereof the following section:—

4 Section 34R. (a) Whenever repairs are necessary to the visible
5 exterior sheet metal or plastic parts of a damaged motor vehicle,
6 any insurer or repairer preparing a written estimate of the cost of
7 such repairs shall clearly identify in such estimate each major
8 generic crash part to be used which is not manufactured or sup-
9 plied by the original manufacturer of the motor vehicle.

10 For the purposes of this section, “crash parts” shall mean motor
11 vehicle parts of sheet metal or plastic that constitute the visible
12 exterior of the vehicle, including inner and outer panels, which are
13 to be repaired or replaced as the result of a collision.

14 For the purposes of this section, “generic crash parts” shall
15 mean motor vehicle parts of sheet metal or plastic that constitute
16 the visible exterior of the vehicle, including inner and outer
17 panels, which are to be repaired or replaced as the result of a colli-
18 sion and which are not manufactured by the original manufacturer
19 of the motor vehicle.

20 (b) A notification shall be attached to, or included in, the esti-
21 mate and shall contain the following information in no smaller
22 than ten point type:

23 THIS REPAIR ESTIMATE HAS BEEN PREPARED IN PART
24 BASED ON THE USE OF CRASH PARTS SUPPLIED BY
25 THE MANUFACTURER OF YOUR VEHICLE OR ON
26 GENERIC CRASH PARTS SUPPLIED BY AN INDEPENDENT
27 MANUFACTURER. ALL GENERIC CRASH PARTS USED IN
28 THE PREPARATION OF THIS ESTIMATE ARE WARRANTED
29 BY YOUR INSURER AND THE MANUFACTURER AND/OR
30 DISTRIBUTOR OF SUCH PARTS.

31 (c) The insurer or repairer, as the case may be, shall give a copy
32 of such estimate and such notice to the person for whom the esti-
33 mate is prepared.

34 (d) The repairer shall, on the customer's repair order or repair
35 certification form, identify by name the manufacturer or supplier
36 of any non-original manufacturer crash parts used in making the
37 actual repairs.

38 (e) All crash parts, both original equipment manufacturer parts
39 and generic crash parts, manufactured after January 1, 2004 shall
40 carry sufficient permanent identification so as to identify its man-
41 ufacturer. Such identification shall be accessible to the extent pos-
42 sible after installation.